

ROUTINE PROGRAM CHANGE

ANALYSIS OF INCORPORATING A PORTION OF ASCENSION PARISH INTO THE LOUISIANA COASTAL ZONE

NATURE AND DESCRIPTION OF PROGRAM CHANGE

For over thirty years, the delineated boundary of the coastal zone of Louisiana's Coastal Resources Program (LCRP) has not been altered since it was federally-approved in 1980. Yet Louisiana's coastal landscape has evolved, new federal and state coastal programs have been created, and political decisions of past decades are being reconsidered. This Routine Program Change (RPC) would begin to address some of these evolving features of "Coastal Louisiana" by a localized adjustment of Louisiana's coastal zone (CZ) boundary, which would bring a portion of one additional parish* into the coastal zone.

The Louisiana Legislature's Act 956 in 2010 authorized inclusion of all or part of Ascension Parish in the coastal zone. The legislature then commissioned a following study to examine the adequacy of the Louisiana's entire coastal zone inland boundary, yielding the 2010 report, Defining Louisiana's Coastal Zone: A Science-Based Evaluation of the Louisiana Coastal Zone Inland Boundary. The study did propose broader changes across Louisiana's entire CZ boundary, but *recommended the inclusion of only a fractional portion of Ascension Parish into the coastal zone*, and Louisiana's Coastal Protection and Restoration Authority has formally received and approved this report and its recommendations in May, 2011. That action operationally added Ascension parish to the coastal zone.

The area that is being added by this localized boundary adjustment is part of a geographic bulge or salient that is surrounded on three sides by similar habitats that are in the coastal zone. Yet this Ascension salient was excluded from the original Louisiana coastal zone largely for socio-political factors, factors that have since changed. Population growth and the intensity of resource uses in other parts of Ascension Parish have been increasing over the past 31 years and are threatening to encroach upon the eastern and southeastern parts of the parish. Inadequately-regulated development activities there could result in direct and significant impacts to estuarine wetlands and coastal waters. This mandates its inclusion within the coastal zone, which would magnify the regulatory capabilities of the levels of government involved, and which can be realized with the formal approval of this relatively minor adjustment of the existing boundary.

*In Louisiana a "parish" is a political unit equivalent to a county

The post-Katrina era of coastal zone management in Louisiana with increased attention to the effects of climate change in coastal areas, requires a scope of management that is

greater than was thought adequate in the mid-1970s, when coastal zone management concepts were just being developed. Technology has improved since 1975, and more technical tools and data were available for Louisiana's afore-mentioned 2010 coastal zone re-evaluation study than were available when the state's CZ boundary was delineated 30 years ago. Examples include LIDAR topographic imagery and NOAA's SLOSH models, both of which contribute to a better understanding of the vulnerability of southeastern Ascension Parish to sea level rise, land subsidence, hurricane surge and other significant flooding hazard issues. The Louisiana Office of Coastal Protection and Restoration has positioned multiple monitoring stations in this area, collecting data to track with precision changes in elevation, salinity and other environmental parameters. It should be emphasized that southeastern Ascension Parish is increasingly viewed as an area of Louisiana that is subject to a heightened level of coastal processes.

This Routine Program Change is consistent with La. R.S 214.23 (5), which defines the "coastal zone as ...

"... the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have a direct and significant impact on coastal waters."

Aquatic habitats in a stream channel bear the cumulative effects of land and water uses throughout the entire watershed that contributes to that channel. This 52 sq. mi. triangle adds to the coastal zone much of the western half of the "Lake Maurepas Watershed" (USGS HUC code 08070204, equating to LDEQ's 0404 watershed of Blind River, lower New River and lower Amite Diversion Canal). This addition includes several square miles of the western tract of the Maurepas Swamp Wildlife Management Area. These waters and wetlands provide habitat for estuarine biota such as blue crabs, white-tipped mud crabs and striped mullet.

The new boundary is described in Figures 1 and 2.

FIGURE 1

http://dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/Map1_AscensionOverall_Topographic.pdf ;

FIGURE 2

http://dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/Map1_AscensionOverall_Aerial.pdf .

JUSTIFICATION AND ANALYSIS

This Routine Program Change will join approximately one third of Ascension Parish to the 19 parishes that have previously constituted the Louisiana coastal zone. To the existing 14,000 square miles of the LCRP coastal zone, this shift of the boundary adds a triangular area of 52 sq. mi., constituting *a change of less than 0.4 % of the total CZ area, a change that is not statistically significant.*

While this portion of Ascension Parish is now being formally added to the CZ, it should be noted that Louisiana had previously recognized that this area is ecologically related to surrounding coastal wetlands and waters, and had included it within its Coastal Nonpoint Pollution Control Program (CNPCP) area, its Coastal Estuarine Land Conservation Program (CELCP) area, and its Coastal Wetlands Conservation Plan (CWCP) area. All of these geographic boundaries have been federally approved. Any direct federal actions in this area, or federal licenses or permits, are already subject to review if warranted to ensure that any potential effects on the adjacent coastal zone are adequately addressed. Field biologists and other staff of LDNR/OCM routinely pass through southeastern Ascension Parish as they travel between the coastal zone parishes to the north, east and south, and they have been scouting southeastern Ascension Parish for CWCP compliance. OCM staff comments on U.S. Army Corps of Engineers 404 and Section 10 permit applications in this area. By virtue of the area's current inclusion in the CWCP, existing policy already allows appropriate compensatory mitigation for coastal wetland loss to be directed into this zone and OCM has reviewed mitigation bank proposals in this area. *Thus, the Louisiana Office of Coastal Management (OCM) staff has already been establishing some familiarity with the geographic area that is being added by performing reviews of activities there.*

In addition to the above-mentioned scrutiny by OCM, Ascension Parish is also subject to regulation, by other state agencies. The Department of Wildlife and Fisheries, the Department of Environmental Quality and the Department of Health and Hospitals, address natural resource issues such as nonpoint source water pollution, wildlife habitat management, and safeguarding the health of shellfish beds. It is important to note that the LDNR/OCM already coordinates with all of these agencies through established memoranda of agreement, pre-project interagency meetings, and other forms of regular comment and dialogue. The local government entity, Ascension Parish, provides further regulation by issuing permits, such as subdivision, building construction and occupancy permits. The parish has a developing zoning program and an active drainage board, manifesting awareness of natural hazard issues such as storm surge and an appreciation of flood storage functions and values of the estuarine wetlands that are being added to the CZ by this routine program change. These organizational structures can help provide a springboard for the parish to develop a Local Coastal Program in this one more parish -- just as it has been done in ten other parishes in Louisiana -- which obviously will allow an enhanced level of coordination with the State in the field of managing coastal resources. *In consideration of these established governmental responsibilities, and pre-existing interagency coordination arrangements, the addition of the subject area to the coastal zone would not represent a substantial functional program change.*

ADDRESSING THE FIVE PROGRAM CHANGE APPROVAL AREAS.

The State of Louisiana respectfully interprets that the change being made, as described herein, constitutes a Routine Program Change rather than an amendment to the LCRP because it does not *substantially* change any of the five (5) Program Approval Areas listed at 15 CFR Part 913, Subpart H Section 923.80(d), which are as follows: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and (5) coordination, public involvement and national interest. Further explanation is given below, as follows:

First, the inclusion of a portion of Ascension Parish in the LCRP coastal zone does not change uses subject to management. It does not change existing regulatory authority, but rather apply existing authorities of the State and Local Coastal Resources Management Act to a locality of Louisiana which has been added into the coastal zone.

Second, the LCRP Ascension Parish coastal zone change does not change the regulatory procedures for special area management. There are no Special Management Areas within tens of miles of the area that has been added; this issue is not relevant.

Third, as noted earlier, adoption of the Ascension Parish coastal zone RPC change to the LCRP does not result in a substantial change in the geographic coastal zone of Louisiana since it adds only 52 sq. miles to the existing 14,000 sq. mi. coastal zone, an increase of less than 0.4 % -- not statistically significant. While this portion of Ascension Parish is now being formally added to the coastal zone, it should be noted that Louisiana has already recognized that this area has a significant relationship to the coast and has included it within its Coastal Nonpoint Pollution Control (CNPCP) area, its Coastal Estuarine Land Conservation Program (CELCP) area, and its Coastal Wetlands Conservation Plan (CWCP) area. Thus, OCM already is familiar with this 52 sq. mile area and factors some consideration of this area into the current decision making process. For these reasons, the addition of the subject area to the coastal zone *would not represent a substantial program change, as the OCM staff has already been engaged in monitoring and reviewing activities in the area.*

Fourth, the LCRP Ascension Parish addition to the coastal zone does not add any enforceable policies to the LCRP. Implementation of this change requires no change of existing authorities and will be accomplished using existing authority conveyed by the SCLRMA, current regulations (especially the Coastal Use Guidelines) which constitute the primary enforceable policies and mechanisms of the LCRP, by developing internal standard operating procedures for staff, and by education of constituents and stakeholders.

Louisiana recognizes that this newly included area has an ecological affinity relationship to the rest of the coast; the state has previously included this area in the Coastal Wetlands Conservation Plan (CWCP). The 2010 boundary report to CPRA states regarding the area recommended to be added to the coastal zone coast-wide:

“...Clearly, the area of coastal Louisiana subject to a high level of coastal processes where activities would result in impacts to wetlands and have direct and significant impacts on coastal waters should be included within the ...[coastal zone] and should be managed by the strongest tool available, the coastal use permit (CUP) process.”

Fifth, incorporation of the Ascension Parish into the LCRP coastal zone does not make substantial changes to coordination, the national interest or federal consistency procedures. For example, the area is already subject to Sec. 402 and 404 of the Clean Water Act regulation and the Act's Sec. 401 Water Quality Certification and state water quality standards, among other regulatory requirements. Through the Coastal Wetlands Conservation Plan, the LCRP has already been involved in review of “Federal License or Permit” activities associated with 404 and Section 10 permits, reviewing approximately a dozen of these per year in this portion of Ascension Parish. This coastal zone change is not expected to affect federal agency activities because federal agencies would already be required to seek consistency determination if undertaking projects in the area that would have direct and significant impact upon coastal uses and resources. This coastal zone change updates the existing management program to better conform to the principles of integrated coastal management concepts of ecosystem based management by including coastal wetland habitat and eliminating an arbitrary bulge in the boundary that excluded this parish from the CZ in the past. This RPC adds a 20th parish to the coastal zone, and that could presumably mean some increase in the amount of coastal use permitting, intergovernmental activity, and federal consistency determinations within the overall state program. However a study of projected increased permit activity, based on the observed level of USACE permit activity, anticipates that the additional state permit workload will be relatively, small, well within the range of annual fluctuation of state permit numbers. Conversely, it also includes the potential to add an additional regulatory partner, an approved Local Coastal Program to the LCRP. This development of such a formal intergovernmental relationship between the State and Ascension Parish in the endeavor of coastal management would be beneficial to the local area, the state, and to the nation, and a fast-tracked RPC could take advantage of the current momentum to put into place such an LCP.